

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 1:CR-08-068
v. :
JOHN IORIO : JUDGE SYLVIA H. RAMBO

M E M O R A N D U M and O R D E R

Before the court is a *pro se* motion filed by Defendant to remove his present counsel. Defendant cites *Strickland v. Washington*, 466 U.S. 668 (1984), as a basis for requesting removal of counsel. As that case establishes, the Sixth Amendment guarantees criminal defendants the right to the effective assistance of counsel. The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result. *Id.* at 684-687.

Defendant claims that his counsel is ineffective because he has not personally received discovery in his case. However, Defendant is represented by counsel and, as Defendant's agent, discovery is furnished to counsel, not directly to Defendant. Present counsel is not only a very capable defense attorney but, through her zealous advocacy, has succeeded in convincing this court to dismiss Count II of the indictment. The court cannot conclude that counsel's performance has been deficient, let alone prejudicial to a fair process.

IT IS THEREFORE ORDERED THAT Defendant's *pro se* motion to remove counsel is **DENIED**. The Clerk of Court shall mail a copy of this order to Defendant.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: May 15, 2008.